

Memorandum

To: Members, Planning and Zoning Commission

From: Michelle Perillie, Planner

Date: March 5, 2017

Re: 25 Sturges Commons, Special Permit/Excavation & Fill, Appl. #17-009

Statutory Time Lines

Application Submission Date: 2/17/17

Application Receipt Date: 3/2/17

65 Days from Date of Receipt (when public hearing must be opened): 5/6/17

Public Hearing Scheduled to open: 3/16/17

35 Days from Public Hearing Commencing (when hearing must close): 4/20/17

65 Days from Close of Public Hearing (when decision required):

Summary

Have all the documents been submitted by the applicant as required in accordance with §44?	Yes.
Were any waivers to submit documents requested by the applicant and granted by the Planning Director in accordance with §44-4?	No.
Were any variances requested from the Zoning Board of Appeals in accordance with §46 or are any waivers requested from the Planning and Zoning Commission in accordance with §44-5?	No variance from ZBA or waivers from Planning and Zoning were requested.
Does the application appear to meet all applicable zoning requirements? If not, indicate why not.	Yes.
Has the applicant received all necessary prior approvals in accordance with §44-2.1?	Yes.
Other comments?	Determine whether the application conforms to the Excavation and Fill standards listed in §32-8, the Site Plan Standards and Objectives listed in §44-5, and the Special Permit standards listed in §44-6 and whether it is in accordance with the 2007 POCD.

Description of Application

Owner/Applicant/Agent	John Minervini, Applicant/Owner
Requested Action	Special Permit/Excavation and Fill approval
Purpose	To add 565 cubic yards of fill over an 89,800 SF area to make yard more level.
Existing Zoning	Res AA
Location	South side of the Sturges Commons, outside the Coastal Area Management Boundary and 100-year flood zone, within the Waterway Protection Line Ordinance (WPLO), PID # G12066000
Lot Size	45,623 SF
Existing Land Use	Single-family dwelling
Surrounding Land Use and Zoning	Single-family residential
2007 Town Plan of Conservation and Development	Chapter 10, (Address Infrastructure Needs) states, <i>“On the other hand, the Town has implemented a policy requiring a “zero net increase in the <u>rate</u> of runoff” for new residential construction. Although the <u>amount</u> of runoff may increase as a result of new development, the <u>rate</u> of runoff should not increase. P. 10-2</i> <i>Drainage is a significant issue in Westport and Town agencies should continue to find ways to address the storm drainage issues which are identified.” P. 10-2</i>
Zoning History	2016: Zoning Permit #41275 issued for 20 x 40' inground swimming pool with patio and retaining wall. 2010: Tax card states year house was built.
Applicable Regulations	§12, Res AA; §32-8, Excavation and Filling of Land; §43 /§44, Special Permit and/or Site Plan Procedures / Documents

Property Description

25 Sturges Commons is a conforming 45,623 square foot property located within the Res. AA district. There is currently a single-family dwelling, patio, covered patio and driveway located on this lot.

The topography of the site varies from EL 122 in the middle of the property and slopes down to EL 118 in the front yard to street and slopes down to 112 in the rear of the property.

A zoning permit (#41275) was issued in October 2016 for construction of an inground pool and spa with patio and retaining walls. The applicant is now seeking to modify the permit to include the proposed filling.

Proposal:

The applicant is seeking approval for excavation and fill activities on the property in order to construct a new in ground swimming pool off the southwest corner of the house with retaining walls to create a more level area. The applicant states that there will be 565 cubic yards of fill 9,800 SF area. The fill height averages approximately 4 feet.

Excavation and fill activities are permitted. Certain activities are exempt from review when associated with other proposed activities as listed in §32-8.1 and §32-8.3, Excavation and Fill activities must conform to the standards listed in §32-8.

Excessive fill is not permitted. Excessive fill is defined as an amount greater than that required to raise a parcel ten feet above or below the existing natural grades over an area equal to 50% of the allowable Total Coverage in the respective zones per §32-8.2.1. The proposed activity is permitted and will not represent excessive fill as illustrated below:

$$\text{Lot area (45,623 SF)} \times \text{Coverage (0.25)} = 11,406 \times 10 = 114,060 / 27 = 4,224 \times 0.5 = \mathbf{2,112 \text{ cubic yards of fill allowed; 565 cubic yards proposed}}$$

§32-8.2.3 states that the maximum fill height is relative to the distance from the property line but in no location can it exceed 10 feet. The fill height cannot exceed a ratio of 0.20 relative to the distance to the property line. In addition, the regrading may not exceed a 14-degree (25%) slope within 25 feet of the property line or 20-degree (36.40%) slope over the remainder of the property per §32-8.3.2. In addition, the regulation states that there shall not be any grading or slope changes within five (5) feet of any lot line. The plan conforms to all of these requirements.

§32-8.4 requires a restoration plan showing final grading and landscaping. The Site Plan shows final grading and the regraded area will be stabilized with lawn (Plan to be submitted by Wednesday)

Comments by the Conservation Department dated 3/1/17 recommend that the 30-foot wetland setback be staked in the field prior to excavation to aid in locating the proposed wall. The comments also indicate that final site stabilization of the grading will be a requirement for the amendment of their permit with particular interest in storm water runoff and any associated erosion that may occur. They will condition the amendment to ensure this is addressed prior to issuance of the final Conservation Certificate of Compliance. The comments indicate it may be useful to identify areas of fine grading that would inhibit sheet flow runoff from moving through the site.

The applicant should submit the following prior to issuance of a Zoning Permit:

1. Approval from the Conservation Department;
2. Approval from the Westport-Weston Health District;
3. Drainage review by the Engineering Department; and
4. Detailed planting plan and bond to cover the cost of sediment and erosion control and proposed plantings.

Department Comments

Conservation Commission:	See attached dated 3/1/17.
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Engineering Department:	Transmittal sent.
Westport Weston Health District (WWHD)	<p>“A review of the proposal for excavation and fill at 25 Sturges Commons, Appl #17-009, to construct an in ground swimming pool has been completed by the Westport Weston Health District. There can be no drains or the creation of any hydraulic barrier within 50 feet down gradient of the existing septic system. From the information submitted, the plan appears to meet these requirements.</p> <p>However, for a definitive answer and/or the time of submittal for permits to construct the retaining walls and pool, an application and site plan with a cross section showing the retaining walls, pool and existing septic system will be required. Having stated the above, the WWHD has no objection to the excavation and filling activity so long as there will be no drains within 50 feet of the septic system.” 3/6/17</p>

A formal field trip is NOT scheduled but Commission members are encouraged to visit the site individually to obtain site orientation.

Attached

Applicant's Narrative, prepared by Grumman Engineering, LLC, dated 2/1/17

Conservation Comments, dated 3/1/17

Westport-Weston Health District, dated 3/6/17

Site Plan, prepared by Grumman Engineering, dated 2/1/17 and received by P&Z on 2/17/17